

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

THOMAS J. KELLY, SR., SP 2013-SP-083 Appl. under Sect(s). 8-917 of the Zoning Ordinance to permit modifications to the limitations on the keeping of animals. Located at 6226 Capella Ave, Burke, 22015, on approx. 9,700 sq. ft. of land zoned R-3 (Cluster). Springfield District. Tax Map 78-3 ((5)) 226. (Admin. moved from 12/18/13 at appl. req.) Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on February 5, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. In this particular case, the application is to authorize keeping of up to eight existing dogs.
3. This is a few more dogs than the Board usually approves on a 9,700-square-foot lot.
4. Two are authorized as a matter of right.
5. Looking at the Ordinance, you can actually have four dogs on a 12,000-square-foot lot, and this falls a little short of that.
6. You can get six on a 20,000-square-foot lot.
7. The Ordinance anticipates some lots having a greater number of dogs than one or two.
8. This is just one of those sort of typical cases we get occasionally. Two of the dogs, the two larger dogs, are 14 and 15, and it is unlikely that they will be around too long.
9. That leaves six small dogs.
10. Our Ordinance talks in terms of animal units.
11. The six small dogs do not weigh as much as one good size Labrador or other dogs that can bark a lot more.
12. The proposed development conditions are intended to mitigate any problems that may exist or where neighbors have with those dogs.
13. In this particular case, if the Board understood Ms. Sellers, some of the barking which does not seem to really have been the problem, it is just the number, is precipitated by the tenant's dog on the adjacent lot, who is the only person who opposes this.
14. The dogs appear to be well cared for.
15. In a couple of years, the number of dogs will probably decrease and the issues will be minimized if there are any.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

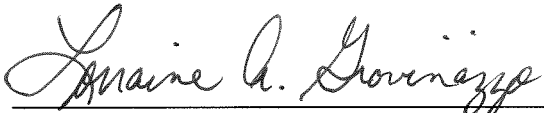
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only, Thomas J. Kelly, Sr. and/or Lucie L. M. Sellers, and is not transferable without further action of this Board, and is only for the location indicated on the application, 6226 Capella Avenue (9,700 square feet) and is not transferable to other land.
2. The applicant shall make this special permit property available for inspection by County Officials during reasonable hours of the day.
3. This approval shall be for the applicant's existing eight dogs. If any of these specific animals die or are given away, the dogs shall not be replaced, except that two (2) dogs may be kept on the property in accordance with the Zoning Ordinance.
4. The yard used by the dogs shall be cleaned of animal debris daily and disposed of in a method approved by the Health Department.
5. At no time shall the dogs be left outdoors unattended for continuous periods of time longer than 30 minutes.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Beard seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

A handwritten signature in cursive script, reading "Lorraine A. Giovinazzo".

Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals